

STAYED

**U.S. District Court  
District of Maryland (Greenbelt)  
CIVIL DOCKET FOR CASE #: 8:21-cv-01736-TDC**

Maryland Shall Issue, Inc. et al v. Montgomery County,  
Maryland  
Assigned to: Judge Theodore D. Chuang  
Case in other court: Circuit Court for Montgomery County,  
Maryland, 485899V  
Cause: 28:1441 Notice of Removal

Date Filed: 07/12/2021  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Maryland Shall Issue, Inc.**

represented by **Mark William Pennak**  
Law Offices of Mark W. Pennak  
7416 Ridgewood Ave  
Chevy Chase, MD 20815  
301 873 3671  
Fax: 301 718 9315  
Email: [m.pennak@mc.com](mailto:m.pennak@mc.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Engage Armament LLC**

represented by **Mark William Pennak**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Andrew Raymond**

represented by **Mark William Pennak**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Carlos Rabanales**

represented by **Mark William Pennak**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Brandon Ferrell**

represented by **Mark William Pennak**  
(See above for address)  
**LEAD ATTORNEY**

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Deryck Weaver**

represented by **Mark William Pennak**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Joshua Edgar**

represented by **Mark William Pennak**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**I.C.E. Firearms & Defensive  
Training, LLC**

represented by **Mark William Pennak**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Ronald David**

represented by **Mark William Pennak**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Nancy David**

represented by **Mark William Pennak**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Montgomery County, Maryland**

represented by **Edward Barry Lattner**  
Office of the County Attorney for  
Montgomery County MD  
101 Monroe St Third Fl  
Rockville, MD 20850-2580  
12407776735  
Fax: 12407776705  
Email:  
[Edward.Lattner@MontgomeryCountyMD.gov](mailto:Edward.Lattner@MontgomeryCountyMD.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Patricia Lisehora Kane**

Office of the Montgomery County Attorney  
 101 Monroe St 3rd Fl  
 Rockville, MD 20850  
 12407776743

Fax: 12407776706

Email:

[patricia.kane@montgomerycountymd.gov](mailto:patricia.kane@montgomerycountymd.gov)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Sean Charles O Hara**

Office of the County Attorney  
 101 Monroe Street, Third Floor  
 Rockville, MD 20850  
 240-777-6700

Fax: 240-777-6705

Email:

[sean.ohara@montgomerycountymd.gov](mailto:sean.ohara@montgomerycountymd.gov)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
07/12/2021	<u>1</u>	NOTICE OF REMOVAL from Circuit Court for Montgomery County, Maryland, case number 485899V. ( Filing fee \$ 402 receipt number 0416-9373391), filed by Montgomery County, Maryland. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet & Attachment, # <u>2</u> Attachment DE 1-State Court Complaint, # <u>3</u> Attachment DE 2-State Court Information Sheet, # <u>4</u> Attachment DE 3-State Court Scheduling Order, # <u>5</u> Attachment DE 4-State Court Notice of New Case Number, # <u>6</u> Attachment DE 5-State Court Summons, # <u>7</u> Attachment DE 6-State Court Notice of Pending Events, # <u>8</u> Attachment DE 7-State Court Plts' Emergency Motion for Ptl. Summary Judgment, # <u>9</u> Attachment DE 8-State Court Aff of Svc on Brian Frosh, # <u>10</u> Attachment DE 9-State Court Aff of Svc on Montgomery County, # <u>11</u> Attachment DE 10-State Court Notice of Hrg Date)(O Hara, Sean) (Entered: 07/12/2021)
07/12/2021	<u>2</u>	NOTICE of Appearance by Patricia Lisehora Kane on behalf of Montgomery County, Maryland (Kane, Patricia) (Entered: 07/12/2021)
07/12/2021	<u>3</u>	NOTICE of Appearance by Edward Barry Lattner on behalf of Montgomery County, Maryland (Lattner, Edward) (Entered: 07/12/2021)
07/12/2021	<u>4</u>	NOTICE of Appearance by Sean Charles O Hara on behalf of Montgomery County, Maryland (O Hara, Sean) (Entered: 07/12/2021)

07/12/2021	<u>5</u>	Local Rule 103.3 Disclosure Statement by Montgomery County, Maryland (O Hara, Sean) (Entered: 07/12/2021)
07/12/2021	<u>6</u>	Local Rule 103.5 Compliance (Attachments: # <u>1</u> Attachment Certified Copy of State Court Record)(O Hara, Sean) (Entered: 07/12/2021)
07/12/2021	<u>7</u>	STATE COURT COMPLAINT against Montgomery County, Maryland, filed by Deryck Weaver, Engage Armament LLC, Carlos Rabanales, Brandon Ferrell, Ronald David, I.C.E. Firearms & Defensive Training, LLC, Maryland Shall Issue, Inc., Nancy David, Joshua Edgar, Andrew Raymond.(heps, Deputy Clerk) (Entered: 07/13/2021)
07/12/2021	<u>8</u>	STATE COURT Plaintiff's Motion for Partial Summary Judgment by Nancy David, Ronald David, Joshua Edgar, Engage Armament LLC, Brandon Ferrell, I.C.E. Firearms & Defensive Training, LLC, Maryland Shall Issue, Inc., Carlos Rabanales, Andrew Raymond, Deryck Weaver(heps, Deputy Clerk) (Entered: 07/13/2021)
07/12/2021		THE ABOVE DOCUMENTS (7-8) ARE COPIES OF ORIGINAL PAPERS FILED IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY. (heps, Deputy Clerk) (Entered: 07/13/2021)
07/13/2021	<u>9</u>	Standing Order Concerning Removal re <u>1</u> Notice of Removal,,, filed by Montgomery County, Maryland. Signed by Judge Theodore D. Chuang on 7/13/2021. (heps, Deputy Clerk) (Entered: 07/13/2021)
07/13/2021	<u>10</u>	RESPONSE re <u>9</u> Standing Order Concerning Removal filed by Montgomery County, Maryland.(O Hara, Sean) (Entered: 07/13/2021)
07/19/2021	<u>11</u>	CASE MANAGEMENT ORDER. Signed by Judge Theodore D. Chuang on 7/19/2021. (heps, Deputy Clerk) (Entered: 07/19/2021)
07/19/2021	<u>12</u>	PAPERLESS ORDER denying without prejudice <u>8</u> State Court Emergency Motion for Partial Summary Judgment. The Case Management Order states that "[n]o motions may be filed without first seeking a pre-motion conference with the Court." Case Management Order § II.A.1, ECF No. 11. Plaintiffs have not sought a pre-motion conference with the Court. Plaintiffs are directed to file a Notice of Intent to File a Motion pursuant to section II.A.2 of the Case Management Order by July 28, 2021. Parties are reminded that responses to the Notice of Intent are not permitted. A pre-motion conference is scheduled for August 2, 2021 at 2:00 p.m. To join the call at the scheduled time (1) Dial 1-888-557-8511. (2) Enter access code 3008173, followed by the # key. You will then be placed on hold until Chambers dials into the call, at which point you will be prompted to enter a security code. (3) When prompted, enter security code 08020200 followed by the # key. The call will be recorded, so please do not use speakerphones as they compromise sound quality. Also, we ask that parties not remain on the conference line after the Judge has left the call, to ensure that the line is free for other calls that may be on the Judges calendar. In addition to the proposed motion, the parties should be prepared to address whether they consent, pursuant to 28 U.S.C. § 636(c), to have all further proceedings before a Magistrate Judge and whether they wish to

		participate in a mediation session with a Magistrate Judge, whether before, during, or after discovery. Parties are expected to consult with their clients and confer with each other on these issues in advance of the Pre-Motion Conference and, if possible, present joint views to the Court. Signed by Judge Theodore D. Chuang on 7/19/2021. (egms, Chambers) (Entered: 07/19/2021)
07/19/2021	<u>13</u>	Correspondence re: Notice of Intent to File Cross Motion for Summary Judgment and Motion to Dismiss (Lattner, Edward) (Entered: 07/19/2021)
07/21/2021	<u>14</u>	Request for Conference (Pennak, Mark) (Entered: 07/21/2021)
07/23/2021	<u>15</u>	Second Request for Conference (Pennak, Mark) (Entered: 07/23/2021)
08/02/2021	<u>16</u>	Case Management Conference held on 8/2/2021 before Judge Theodore D. Chuang.(Court Reporter: FTR Recording\2B) (ds2s, Deputy Clerk) (Entered: 08/02/2021)
08/02/2021	<u>17</u>	ORDER granting Plaintiffs leave to file proposed Motion to Sever and Remand. Signed by Judge Theodore D. Chuang on 8/2/2021. (jf3s, Deputy Clerk) (Entered: 08/03/2021)
08/04/2021	<u>18</u>	MOTION to Remand to State Court by Nancy David, Ronald David, Joshua Edgar, Engage Armament LLC, Brandon Ferrell, I.C.E. Firearms & Defensive Training, LLC, Maryland Shall Issue, Inc.(Pennak, Mark) (Entered: 08/04/2021)
08/18/2021	<u>19</u>	RESPONSE in Opposition re <u>18</u> MOTION to Remand to State Court <i>Opposition to Motion to Sever and Remand</i> filed by Montgomery County, Maryland. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Denying Motion to Sever and Remand)(O Hara, Sean) (Entered: 08/18/2021)
08/22/2021	<u>20</u>	REPLY to Response to Motion re <u>18</u> MOTION to Remand to State Court filed by Nancy David, Ronald David, Joshua Edgar, Engage Armament LLC, Brandon Ferrell, I.C.E. Firearms & Defensive Training, LLC, Maryland Shall Issue, Inc., Carlos Rabanales, Andrew Raymond, Deryck Weaver.(Pennak, Mark) (Entered: 08/22/2021)
08/22/2021	<u>21</u>	REPLY to Response to Motion re <u>18</u> MOTION to Remand to State Court <i>CORRECTED</i> filed by Nancy David, Ronald David, Joshua Edgar, Engage Armament LLC, Brandon Ferrell, I.C.E. Firearms & Defensive Training, LLC, Maryland Shall Issue, Inc., Carlos Rabanales, Andrew Raymond, Deryck Weaver.(Pennak, Mark) (Entered: 08/22/2021)
02/07/2022	<u>22</u>	MEMORANDUM OPINION. Signed by Judge Theodore D. Chuang on 2/7/2022. (mg3s, Deputy Clerk) (Entered: 02/08/2022)
02/07/2022	<u>23</u>	ORDER granting in part and denying in part <u>18</u> Motion to Remand to State Court; directing parties to file a Joint Status Report every 90 days to report on the progress of the state court proceeding; within 14 days of the resolution of Counts 1, 2, and 3 in the state court proceeding, the parties shall file a Joint Status Report. Signed by Judge Theodore D. Chuang on 2/7/2022. (mg3s, Deputy Clerk) (Entered: 02/08/2022)